California Environmental Protection Agency

Water Boards

STRATEGIC PLANNING

SUMMARY OF STAKEHOLDER INPUT

Water Boards' Vision: A sustainable California made possible by clean water and water availability for both human uses and environmental resource protection.

Water Boards' Mission: To preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

Water Boards

September 2007

SACRAMENTO STATE

Water Boards Strategic Planning
SUMMARY OF STAKEHOLDER INPUT

MEETING PURPOSE & GOAL: PROVIDE INPUT TO THE WATER BOARDS ON PRIORITIES AND MEASURING SUCCESS.

BACKGROUND

The State and Regional Water Boards are using a collaborative approach to updating their Strategic Plan. Part of the planning process includes engaging staff and stakeholders to discuss:

- ***Water quality trends and issues***
- ***Water right trends and issues***
- ***Priorities and preferred strategies for Water Boards' actions***
- ***Meaningful performance measures***

Three different types of forums have been used to share and collect perspective on water resources and water issues. A Statewide External Stakeholder Summit was convened in Sacramento on March 12 – 13, 2007, involving approximately 80 statewide stakeholders. The participants included Board leadership, the regulated community, environmental organizations, and government agencies. A Staff Statewide Summit was held in Sacramento on April 16 – 17, 2007, involving approximately 120 staff members from the State and Regional Water Boards.

Public workshops were also held in each region. Participation was good, with turnout at the workshops generally ranging from 40 to 80 stakeholders. The workshops represented a condensed version of the major agenda items from the stakeholder and staff summits. The results of the small group discussions conducted at the summits and workshops are summarized in this document.

During the Stakeholder Summit, Staff Summit, and Regional Workshops, several agenda items addressed the development of strategic goals for the next three to five years. Specifically, participants were asked to identify key trends – or drivers – that would shape water issues and policy during the next several years. Participants were then asked to prioritize these trends and issues, thereby indicating a number of strategic goals. These strategic goals – or outcomes – established priorities that addressed trends, issues, and program areas.

Additional discussion focused on preferred approaches – or strategies – for addressing the strategic goals. The brainstorming sessions generated a wide-range of ideas and innovative approaches. Participants were also asked to identify specific performance measures that would help evaluate the effectiveness of the Water Boards' approaches and programs. The suggestions represented a full array of indicators of success. The diversity of responses regarding approaches and performance measures is fully captured in the transcripts of the small group discussions for each summit and regional workshop.

Summary of Lessons Learned from Water Board History:

At the stakeholder and staff summits, participants created a timeline of key milestones and events that shaped the roles and responsibilities of the Water Boards. After reviewing the timeline, groups discussed lessons that have been learned over time. Critical lessons and insights include the following:

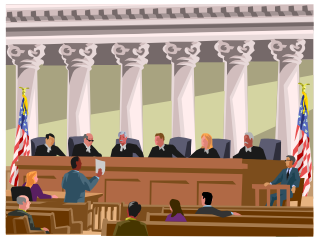
- Opportunities for **strategic partnerships** exist within and across other organizations. The scope of work is so extensive, that no one agency can do it all. Partnerships are essential to leverage existing authorities and resources. Federal and State relationships are changing and agencies will need to work better together.
- Policies are not enough. An historical lack of enforcement has led to a gradual drive for **greater enforcement and consistency**. Legislation and policy must be harmonized to support enforcement; there is a disconnect between the Clean Water Act and the Drinking Water Act.
- Responses have often been reactive in nature, with external "missives" such as legislation and litigation driving the direction of the Water Boards. An approach needs to transition responses from a reactive to **proactive mode**.
- The Water Boards need to become more efficient and tactical in setting priorities and establishing long-term goals. These need to be consistent and clearly communicated. With funding constraints, the Boards will need to do more with less.
- Science-based research should support **science-based regulation** – the Air Resources Board approach is a good example of this. Environmental values and monitoring results should drive regulation. Modifications should be made to address new information (**adaptive management**).
- Population growth will be a key driver – more **public education** is needed. Provide information to legislators. This encourages understanding of and support for programs.
- Piece-meal approaches are not working. **Integrated, collaborative, and watershed-based approaches** will better leverage existing efforts.

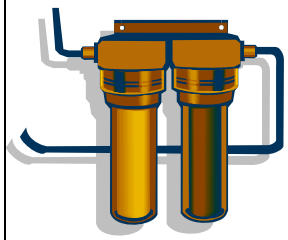
About The Water Boards

State and Regional Water Boards work together to protect California's water resources. Created by the Dickey Water Pollution Act, the Regional Water Boards have been responsible for protecting the surface, ground and coastal waters of their regions since 1949. In 1967, the State Water Rights Board and the State Water Quality Control Board were merged to create the State Water Board, integrating water rights and water quality decision-making authority.

Nine semi-autonomous Regional Water Boards are comprised of nine part-time Governor-appointed Board members. Each Regional Board makes critical water quality decisions for its region. These decisions include setting standards, issuing waste discharge requirements, determining compliance with those requirements, and taking appropriate enforcement actions.

The State Water Board's role in protecting water quality includes setting statewide policy, coordination of and support for Regional Water Board efforts, and reviewing petitions contesting Regional Board actions. The State Water Board is also solely responsible for allocating surface water rights. The State Water Board is organized into four divisions that address water quality, water rights, financial assistance, and administrative functions. These functions not only support the State Water Board, but also the nine Regional Water Boards. The five full-time Governor-appointed Board members are responsible for setting statewide water policy.

1850's-1890's	1900's - 1950's	1960's	1970's
1850 – Common Law Riparian Rights established Balancing gold rush, navigation and agricultural needs  **1872** – Doctrine of Appropriative Rights established **1886** – "California Doctrine" established that two rights, riparian and appropriative, exist in a single stream	**1913** Water Commission Act --Water Rights Commission to regulate the use of water  **1923** – Water Commission Act amended to limit appropriation of water by permit only **1943** – California Water Code established **1949** Dickey Water Pollution Act creates State Water Pollution Control Board and nine Regional Water Boards **1956** - State Water Rights Board created in the same legislation creating the Department of Water Resources	Environmental movement changes attitudes about water **1963** – State Water Pollution Control Board renamed State Water Quality Control Board and strengthened to address broader scope than just sewage and industrial waste control **1967** "State Water Quality Control Board" and "State Water Rights Board" merged. "State Water Resources Control Board" created **1968** – SWRCB Resolution 68-16 enacted for maintaining high quality waters (anti-degradation)  **1969** Porter-Cologne Water Quality Control Act **(1966-1972)**- Kerry Mulligan Board Chair	**1972** Federal Clean Water Act – • Established national secondary treatment standard • Established National Pollutant Discharge Elimination System (NPDES) • Established Construction Grants Program **1977** – Water Board issues emergency conservation measures to protect Bay-Delta following 1977 drought **1978** – Water Right Decision 1485 and Water Quality Control Plan issued for Bay-Delta Board Chairs - Kerry Mulligan **(1966-1972)**, Win Adams (1972-1976), John Bryson (1976-1979) Carla Bard (1979-**1982)**

1980's	1990's	2000's
WWII Vets begin to retire **1983** – Legislation enacted to address leaking underground storage tanks (UST) **1985** – UST regulations adopted establishing tank construction standards, monitoring, and reporting releases  **1987** – Amendments to the Federal Clean Water Act **1987** -Established State Revolving Loan Fund (SRF) Program **1988** – Sources of Drinking Water Policy adopted **1989** – Statute establishes UST Cleanup Fund for financial assistance and insurance purposes Board Chairs - Carla Bard (**1979**-1982), Carole Onorato (1992-1985), Raymond Stone (1985-1986), W. Don Maughan (1986-**1992**)	**1990** – USEPA enacts Phase I of the Strom Water program **1995** – Bay Delta Water Quality Control Plan adopted **1996** – Ground Water Cleanup and Containment Zone Policy adopted **1997** – Joint State Water Board/Integrated Waste Management Board Title 27 regulations for discharges to Land adopted to streamline permitting process non-hazardous landfills **1999** – Bay-Delta Decision 1641 adopted  **1999** – USEPA enacts Phase II of the Storm Water Program **1999** – SB 390 requires review of waivers or reissuance as Waste Discharge Requirements Board Chairs - W. Don Maughan (**1986**-1992), John Caffery (1992-1998), James Stubchaer (1998-**2000**)	**2000**- 35 million people in California - State Water Board, has about 700 staff members and 1,000 staff members in nine regions and 12 regional locations **2000** – Bay-Delta Decision 1641 revised **2000** – Mandatory Minumum Penalties enacted by statute **2000** – USEPA issues California Toxics Rule (CTR) **2000** – State Water Board adoptes State Implementation Plan (SIP) for CTR  **2002** – Water Quality Enforcement policy adopted **2003** – Cal/EPA Advisory Committee publishes recommendations on Environmenta Justice **2004** – Listing Policy adopted for California Clean Water Act Section 303(d) lists **2004** – Nonpoint Source Polution Control Policy adopted Board Chairs - Arthur G. Baggett, Jr. (**2000**-2005), Tam Doduc (2005-**present**)

WATER BOARD PRINCIPLES AND VALUES

Water Boards Principles and Values

As we strive to realize our vision of the future, all our actions and efforts will be guided by a certain set of values:

- ***Protection:*** *We are responsible for the protection of California's water resources.*
- ***Service:*** *We serve the public as a whole. Our job is to protect water for beneficial uses, and to assure that pollution, misuse and over allocation do not impair those uses, now and in the future.*
- ***Integrity:*** *We continually earn the trust of those we serve, making an active commitment to truth, accuracy and fairness, including a commitment to environmental justice.*
- ***Leadership:*** *California strives to be a national and international leader in innovative approaches to water resource protection. We foster and recognize leadership actions at all levels of our organization.*
- ***Professionalism:*** *We are professionals committed to our mission and vision. We provide career development and professional growth opportunities for our staff.*

SUMMARY OF COMMENTS ON PRINCIPLES AND VALUES

Several themes were consistently reported, by all forums, as items to add within the Principles and Values section. These additional elements encouraged the Water Boards to address:

- Collaboration, cooperation, and partnerships – with stakeholders and the public – to accomplish water resource objectives; it was noted that all are involved in supporting water resources; a component of this involves education and outreach regarding the importance of water quality and the mission of the Water Boards
- Integration/coordination within and between Water Board divisions, programs, and regions – as well as with other agencies and jurisdictions, including Tribes; need to consider cross-media and cross-program impacts; nexus between water quality and water supply
- Accountability, transparency, and reporting and listening to stakeholders and the public

Within the existing principles and values, comments that repeatedly surfaced in all forums addressed:

- Protection: add restoration, enhancement, and/or conservation of water resources
- Protection: add protection of public trust resources that waters support – includes public health, whole health risk
- Service: There was wide-ranging perspective in the topic of Environmental Justice (EJ). Some thought that specifically calling out EJ was duplicative and redundant to statements regarding fairness. Others thought that EJ represents a core value and should be listed separately, emphasizing the need for State leadership to consider public trust and the interests of disadvantaged communities.
- Service/Integrity: should include the following
  - science-based decisions (e.g., sound science, risk assessments, sufficient monitoring, and adaptive management – willingness to change with new information and periodic review of beneficial uses and pollutants)
  - economic analyses (e.g., costs of pollution prevention vs. cleanup, cost/benefits, cost effectiveness)

- regulatory approach (e.g., timely, efficient, and practical approaches/processes that are results-oriented; providing assistance and support; fair, balanced regulation with fair, consistent enforcement – requires adequate field presence)

- Service/Leadership: budget constraints affect the ability to implement programs and provide services – stable funding must be secured and resources efficiently allocated

Other suggestions included:

- Professionalism:
  - add training and professional development for staff and Board members; the Water Boards are learning organizations that share lessons and successes
  - add staff retention and open working environment
- Providing a preamble to the Principles and Values that outlines the legal and regulatory responsibilities and authorities of the Water Boards

SUMMARY OF COMMENTS ON DESIRED CONDITIONS

Water Boards' Desired Conditions

1: *The Boards' organizations are effective, innovative and responsive.*

2: *Surface waters are safe for drinking, fishing, swimming, and support healthy ecosystems and other beneficial uses.*

3: *Groundwater is safe for drinking and other beneficial uses.*

4: *Water resources are fairly and equitably used and allocated consistent with public trust.*

5: *Individuals and other stakeholders support our efforts and understand their role in contributing to water quality.*

6: *Water quality is comprehensively measured to evaluate protection and restoration efforts.*

The themes identified for Principles and Values were again consistently reported, by all forums, within the Desired Condition section. These included:

- Collaboration, cooperation, and partnerships – with stakeholders and other agencies – to accomplish water resource objectives; the Water Boards are encouraged to:
  - actively seek stakeholder engagement in developing regulations and standards
  - work with other agencies to coordinate roles, responsibilities, and requirements
- Education and outreach:
  - regarding the importance of water quality
  - regarding the mission of the Water Boards
  - to promote understanding of the value of water resources
  - to promote support for water resource programs
  - to leverage public protection of water
- A balanced regulatory approach that:
  - is open, proactive, timely, efficient, and pragmatic
  - reflects an understanding of the challenges to improve water quality, as well as sub-regional issues
  - looks at technical and economic feasibility
  - allows flexibility in implementation and provides incentives for innovation
  - is transparent and promotes accountability and information exchange
- An integrated and holistic approach to water resources that:
  - recognizes the linkage between all water resource issues and responsibilities (i.e., surface water, groundwater, and ocean water quality; desalination, recycling, and conservation programs; water quality and water supply connections; and upstream/downstream connections)
- Science-based decisions, standards, and monitoring programs that incorporate best available science where water quality monitoring:
  - is tied into regulatory processes
  - yields useful results in assessing trends and the effectiveness of efforts
  - is cost-effective, effective, and equitable
  - is coordinated to reduce duplicity
  - tracks chemical, biological, and physical characteristics

Within the existing desired conditions, comments that repeatedly surfaced in all forums addressed:

- the need for sustainable, broad-based funding mechanisms (beyond reliance on the regulated community)
- references to healthy ecosystems (riparian, upland, coastal), watersheds, habitat, and recharge areas that support water resources

SUMMARY OF PRIORITY TRENDS AND ISSUES TO ADDRESS

At the Strategic Plan forums, participants were asked to identify the trends that will drive water resource issues over the next five years. With the exception of Integrated Regional Water Management (IRWM), which was not addressed at the Staff Summit, the following external trends were identified at all forums. Perspectives regarding the different aspects of the trends varied across forums. Examples of the different aspects associated with each trend are provided below:

a. ***Increasing water quality impacts/issues:*** increased ambient levels, existing and emerging contaminants, and increased salinity
b. ***Rapidly changing technology:*** greater ability to detect contaminants at lower levels, advanced treatment and source identification technology, better analytical tools
c. ***Changing political realities:*** conflicting mandates (e.g., food security and water quality), less acceptance of risk, greater use of partnerships and collaboration, fragmented rule-making, increase in bond funding and less General Fund allocations, more litigation
d. ***Environmental stressors:*** global warming, invasive species, over-drafting of instream flows and groundwater, loss of habitat/wetlands/functioning ecosystems
e. ***Increased project costs/challenges:*** constraints on rate/tax increase will hamper necessary improvements and maintenance for infrastructure, increased compliance costs (permitting, monitoring, reporting), increased energy costs, need for economic analysis in regional decisions
f. ***Increase in integrated water resource management:*** looking at all factors (e.g., Federal Energy Regulatory Commission [FERC] licenses, flood control, instream flows, stormwater, natural systems impacts, land uses, marine resources, social factors, agency coordination, Total Maximum Daily Load [TMDL] implementation)
g. ***Increased water demand/decreased water supply:*** less certainty of supply (climate change), focus on local/new/alternative sources of supply, less water available for natural systems, greater public trust needs, need to better balance water supply and water quality, adjudication of groundwater basins (is there a role for Regional Boards?)
h. ***Changing demographics:*** increasing population, more non-point source pollution, more development and loss of wetlands, impacts from upstream development, impacts to water use and infrastructure needs, landfill expansions/closures, impacts from homeless populations, increased runoff/wastewater flows/landscaping
i. ***Greater public awareness/involvement:*** greater need for transparency, accountability, information access and community inclusiveness (Tribes, environmental justice); greater use of web-based technology; Boards will need to measure and communicate success

In addition to the external trends noted above, participants at the Staff Summit and Regional Workshops also noted that organizational changes/challenges will affect the Water Boards. This includes challenges to recruiting and retaining knowledgeable staff, pay disparities, increased workload for TMDL implementation, more interdisciplinary approaches, and greater need for shared use and analysis of databases.

Summary of Strategic Priorities for Programs, Practices and Activities

Those who participated in the Strategic Plan forums were also asked to identify the top priorities that the Water Boards need to address within the next few years. A number of key statewide priorities emerged, as well as regional priorities that focused on regionally important water resources and issues.

Statewide priorities identified by stakeholders emphasized:

- ***Integrated/comprehensive decision-making:*** The Water Boards are strongly encouraged to adopt collaborative approaches in decision-making, such as IRWM, to address issues on a watershed basis. A coordinated "program-of-programs" is needed to effectively address multiple mandates.
- ***Water reclamation/reuse:*** Stakeholders recommended that the Water Boards take the lead on water recycling and reuse policies and standards. A consistent policy and approach is needed, especially in the context of the public's generally diminishing acceptance of risk - especially relating to water, where risk-aversion is hampering reuse of recycled water.
- ***Changing land use:*** Land use planning and future development affect water quality in various ways, including loss of natural areas, additional runoff, and impact to recharge areas. Stakeholders recommended that the Water Boards become engaged on this issue, to improve awareness of the impacts of development on water resources and promote reduction of impact development through such techniques as redevelopment on brownfields and other methods.
- ***Environmental stressors:*** Existing and emerging contaminants will require the attention of and action by the Water Boards. Key contaminants include plastics, personal care products, bacteria/pathogens, and legacy pollutants.
- ***Funding:*** Water resource management efforts need to be adequately funded. Permanent funding needs to be available to support the work of the Water Boards and to support the efforts of smaller agencies and organizations. Funding for infrastructure was specifically identified as a priority.
- ***Water quality planning:*** Water quality standards must be developed in terms of protecting beneficial uses. Implementation of TMDLs, and review and updates of Basin Plans, are a priority for the Water Boards in addressing water quality issues.

Other widely supported statewide priorities include:

- ***Groundwater resources:*** Groundwater issues are a priority for the near future, in terms of quality, overdrafting, contamination, and protection of groundwater resources.
- ***Water quality and water supply issues:*** Water quality and water supply will need to be linked in order to address increased demands with decreased supply. This includes flow considerations.
- ***Increased permit/project costs and challenges:*** Cost-benefit considerations need to be taken into account for water solutions. Energy, operation, and maintenance fees are increasing costs. Federal construction grants are needed to help offset treatment facility costs. Permitting is increasingly burdensome (complex, multi-party) and needs to be streamlined.

Regional priorities generally focused on region-specific, water-related resources and issues, such as:

- ***Use of desalinization*** (San Diego, Central Coast, and South Lahontan regions)
- ***Invasive species in the Bay ecosystem*** (San Francisco Bay region)
- ***Need for a desert-specific IRWM Plan [IRWMP]*** (South Lahontan region)
- ***Attention to communities that are underserved*** (Central Coast and Colorado River regions)
- ***Hydromodification*** (San Diego region)
- ***Cross-border issues*** (San Diego region)
- ***Tribal impacts*** (San Diego region)
- ***Coastal water quality*** (San Diego region)
- ***Specific water resources:***
  - Santa Ana River (Santa Ana region)
  - Salton Sea restoration (Colorado River region)
  - New River (Colorado River region)
  - Re-engineering of the Delta (Central Valley region)

Summary of Preferred Approaches to Strategic Priorities and Methods for Measuring Success

The statewide and regional groups discussed key issues and what preferred responses might look like to address those issues. Some of the most frequently identified matters for attention in the Strategic Plan were: basin planning, TMDLs, water rights, water recycling (reuse), and the need for integrated regional water management that cuts across programmatic boundaries.

The suggestions – for what a preferred response might involve, for any particular issue – were quite varied. The following summaries provide an overview of potential approaches for dealing with these shared programmatic priorities, as well as possible performance measures to capture progress in achieving the strategic goal.

Basin Planning

- Preferred approaches for Basin Planning include aspects such as greater use of collaboration and leveraged partnerships (such as the California Water Plan (Bulletin 160) and Santa Ana Watershed Protection Authority models) to coordinate regional information. Basin Plans would be revised with current information, to identify appropriate beneficial uses and both numeric and narrative water quality objectives; the resulting basin plan standards would be applied in permits. Other approaches include a streamlined amendment process, supporting legislation for broad-based funding, encouragement of innovation and risk-taking, better use of science, and improved public outreach.

  The Basin Plan program would result in the adoption of statewide objectives (e.g., public health objectives); triennial review of all plans and policies; and refinement of beneficial uses. Deviations between standards applied to permits (generally more stringent) and those contained in Basin Plans would be reconciled. Other results include cross-program analysis, incorporation of land use into Basin Plans, and integration of Basin Plans into Bulletin 160 and IRWMPs.

- Potential Measures of Success for Basin Planning

  - Plan revision within five (5) years; removal of obsolete elements; percentage standards revised
  - Reduction in salinity at a specific location
  - Percentage of surface water area that meets standards for beneficial uses
  - Completion of policies to ensure existing permits are consistent with Basin Plans
  - Number of innovative pilot projects tested in region
  - Level of funding leveraged from other sources to do Basin Plans; targeted funds in next water bond for comprehensive Basin Plan update; incentives for regions with updated plans
  - Reduction in delays for major regulatory activities due to Basin Plans
  - Inclusion of a minimum of one (1) watershed in Basin Plan per year

  These metrics are proposed for their effectiveness in supporting timely issuance of permits, stakeholder satisfaction, and ability to meet water quality objectives. They are also intended to support consistency, equity, and compliance with the law. The Porter-Cologne Act expresses the

principle of a balance of values that is generally accepted. At present, however, permits do not reflect that important balance.

Total Maximum Daily Loads (TMDLs)

- Preferred approaches include focusing on all sources of contamination and adopting a watershed approach for implementation of solutions. Analyses would consider cost/benefit assessments (to determine net benefit) and the role of offsets. Clear performance measures and adaptive management strategies would guide compliance to improve source control and voluntary compliance.

  The TMDL program would develop Best Management Practices (BMPs), improve strategies for monitoring and reducing non-point source loads, and expedite restoration permits. Other results include a continued focus on geographic priorities and the development of monitoring programs that address TMDL effectiveness, cost effectiveness of monitoring, and assessment of beneficial uses (beyond monitoring of pollutants).

- Proposed measures of success for TMDLs include the following:

  - Number of water bodies delisted; delisting is success – interim success measures
  - Decrease in appeals and remands
  - Measure pollutant – track over time; pick location, parameters; trend line monitoring for key listed pollutants
  - Progress towards beneficial use attainment; improved water conditions; and further research on specific water conditions
  - Assess measures established in current strategic plan – look at what data were gathered
  - Number of enforcement actions/compliance rates
  - Number of TMDLs approved by State Board; how many are amended/modified (measure for a Regional Board)
  - Category change in integrated reporting; integrated measures at watershed scale for priority areas

  These metrics are intended to provide means to track improvements through quantifiable, consistent, and reportable measurements. Some metrics provide a watershed focus and connect with U. S. EPA's "Measure W." The discussion on delisted water bodies as an indicator of success raised questions about delistings that are due to errors in the original sampling results or are based on revised standards. In these cases, delisting may not represent improved conditions. Monitoring and verification are important to confirming improvements to resources and beneficial uses.

Water Rights

- Preferred approaches would improve workflows on new applications – through better use of watershed-scale programmatic Environmental Impact Reports (EIRs) and water availability analyses that support site-specific permit analysis (e.g., Russian River, stock ponds). Approaches to reduce the current backlog might use third-party outsourcing, with appeals handled by administrative law judges or special hearing officers.

  The water rights program would result in better training for staff and an expedited permitting process that integrates requirements associated with the California Environmental Quality Act (CEQA),

Endangered Species Act (ESA), and public trust doctrine. The funding issue would be resolved through the use of non-user fees.

- Proposed performance metrics include:

  - Eliminate the Russian River backlog within five (5) years
  - Conduct water availability analysis within 18 months
  - Develop a programmatic EIR within three (3) years
  - Identify metrics for human and financial resource needs (e.g., time to hire, funding for alternative scenarios)
  - Revision of contracting process to ensure contracts awarded within six (6) months
  - In Fiscal Year 2007-08, have a stable funding source for the Division of Water Rights
  - 85% water rights backlog/number of permits issued; establish "baseline"
  - Set target for the time it takes to process an application through defined timelines; reduction of processing time by X% annually; increase in funding and staff by X%, annually
  - Number of permits demonstrating an integrated planning approach

  These recommended metrics would help address the current backlog of permits. The water availability analysis and programmatic EIR would provide the information needed to process many of the remaining small applications. Creating a process and timeline for moving through the applications would deter delays and address the existing backlog. This process and timeline would require a realistic assessment of needed resources, which would promote transparency and awareness. Stable, broad-based funding would correct current reliance upon user fee funding, eliminate liability in current pending lawsuit, free up staff currently doing fee administration, bring in legislative involvement, and encourage partnerships.

<u>Water Recycling/Reuse</u>

- Preferred approaches would address salinity issues: research on salinity disposal; permitting of brine lines; a mass balance for salinity; and support for statewide source control (e.g., water softeners, etc.). Disincentives should be in place for irrigating with potable water, with incentives created for purple pipes (including legislation requiring purple pipes in new development). Attitudes regarding water reuse are critical.

  The water recycling/reuse program would result in a statewide policy and general permit, with site-specific permitting to determine whether a saline source is appropriate for use and to consider full net benefit. Improved and consistent use of science would follow U. S. EPA and Environmental Laboratory Accreditation Program (ELAP) guidelines, and demonstration projects should be supported and encouraged. Funding sources would include use of Proposition 50 and Proposition 84 funds and a mil tax on imported water.

- Proposed performance measures include:

  - Targets – Million Acre Feet (MAF) by date and region; absolute acre-feet; meet State goals for reuse; 1 MAF in 10 years (need baseline, targets); 50% reuse by 2025, 100% reuse by 2050
  - 30 – 40% of funds from Propositions 84 and 50 dedicated for reuse
  - No net negative impacts (measure and report)
  - Creation of a statewide general permit for reuse
  - Completion of recycled water policy

- Percent increase of new development with purple pipes
- Public opinion polls show support
- Statewide technology transfer/clearinghouse coordinated across regions

These measurements are effective in terms of cost savings, are inexpensive and quantitative, build on existing tracking system, are responsive in tracking an existing water supply resource, and help overcome obstacles to broader use.

Integrated Watershed Approach

- Preferred responses to the need for an integrated watershed approach to water resource assessment, management, and planning would encompass: return flows; closed systems (multi-user systems approach); groundwater recharge; in-stream flows; recognition of hydrologic modification (e.g., how creek channelization modifies beneficial uses); and integration of large areas of federally-owned lands.

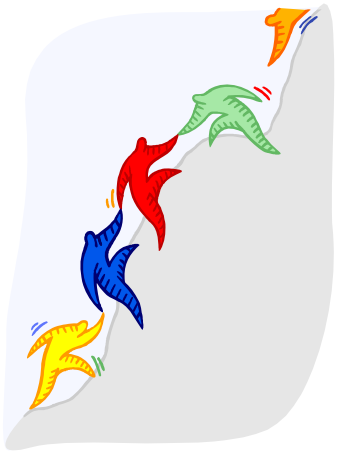
  An integrated watershed approach would provide a consolidated and coordinated framework to increase efficient use of resources across the range of Water Board programs. This approach would need to be defined by drawing upon other models, examples, and structures (including the Watershed Management Initiative) and by identifying opportunities to integrate other State, federal, and local agencies and programs.

- Proposed performance measures include:

  - Percentage of watersheds assessed
  - Area covered by integrated plans
  - Areas of groundwater overdraft; percentage of protected groundwater recharge areas
  - Percentage of watersheds meeting water quality standards
  - Amount of recycled water and stormwater discharged/reused
  - Number of general plans containing a water element
  - Area of farmland converted/protected
  - Decreased permitting time; decreased backlog
  - Number of cross-cutting Best Control Practices
  - Number of permits in other media (to protect water quality)
  - Number of consolidated permits
  - Number of watershed-based permits
  - Implement AB 2121 (increased water rights coordination and decreased backlog)
  - Broader expertise at Water Boards; specialist exchange; new job classifications

  These metrics support a broader and more comprehensive assessment of water resources, as well as planning and management strategies.

STATE AND REGIONAL RELATIONSHIPS



The State and Regional Water Boards enjoy a unique relationship. The State Water Board's role in protecting water quality includes setting statewide policy, coordination of and support for Regional Water Board efforts, and reviewing petitions of Regional Water Board actions. The nine semi-autonomous Regional Water Boards make critical water quality decisions for their regions, including setting standards, issuing waste discharge requirements, determining compliance with those requirements, and taking appropriate enforcement actions.

Within the Water Boards, there are varied opinions on the relationship between the State and Regional Water Boards, and on the appropriate roles of each. Participants in the statewide summits and the regional workshops were asked to discuss state/regional interactions particularly with reference to the issue of consistency among the Water Boards and the level of regional variation that is useful and necessary.

The general tone of the conversations on statewide consistency and regional variation reflected a desire for statewide minimum guidelines or requirements, with flexibility for local implementation. The desire is that statewide minimum guidelines not result in a "lowest common denominator" approach to water resource management. Generally, the sense was that policies, processes, and procedures should be consistent across regions, but end products (such as permits and Basin Plans) should address regional conditions.

Certain themes surfaced in terms of where statewide consistency or regional flexibility was most appropriate, as are reported in the following sections. The recommendations regarding water quality objectives were mixed. While many encouraged consistency for water quality objectives, some noted the need for flexibility – especially in areas with water imports. It was suggested that a process be developed for interpreting narrative water quality objectives.

Statewide Consistency

Throughout all forums, several items were repeatedly recommended as areas that would benefit from a consistent approach.

- The State Water Board is responsible for identifying and interpreting statewide policies (policies on water reuse/reclamation and once-through cooling were specifically called out during several regional workshops)
- The State Water Board is responsible for setting policy on procedures and processes (e.g., anti-degradation analysis, economic evaluation of offsets)
- A consistent approach is needed regarding public participation/stakeholder involvement and outreach, including hearings accessibility, outreach to small or disadvantaged communities, and translation needs
- Consistency is needed for the permitting process (i.e., format, definitions – including toxicity definition, conditions, and monitoring and reporting requirements)
- Minimum, consistent standards are needed – the State Water Board is responsible for setting minimum public health standards and objectives, including risk assessment standards

- A consistent approach/basis is needed for the development of standards, Basin Plans, and TMDLs – including TMDL timelines, regulatory timeframes, and frequency of Basin Plan updates
- Consistency is needed for technical considerations (e.g., metal hardness calculations, lab methods) and data management (data development, collection, and reporting). Also, reporting technology needs to be tested before rolling out.
- There should be consistency in permit requirements within a watershed or for a particular water body. Requirements should be coordinated among Regional Water Boards who have a discharger in common.
- Consistent enforcement is needed – satellite offices are needed for remote locations; minimum levels of enforcement and penalty are needed

Statewide consistency is strongly supported on the above items. It was noted that variations of statewide policy and standards need to be justified in findings (e.g., scientific data, cost, or technical considerations, etc.). Statewide policies and regulations should be consistently interpreted and enforced.

Different forums specified particular examples of where State Water Board direction or statewide consistency would be beneficial, including: questions of law, flow issues, desalination (development, studies, mitigation), beneficial reuse of impacted soil, groundwater policy and management, ocean discharge (brine), and groundwater cleanup.

Regional Variation/Flexibility

Flexibility for regional variation is viewed as either acceptable or desirable for a range of Water Board activities. Regional Water Board responsibilities and areas where regional variation is accepted or encouraged include:

- Regional Water Boards are responsible for adopting and implementing statewide polices and for the development of regional priorities
- Regional Water Boards need budgetary flexibility to support regional priorities (fees and penalties should be returned to the Regional Water Boards; regions should have ability to hire for self-funded programs)
- Regional Water Boards are responsible for designating beneficial uses and appropriate levels of protection
- Promoting innovation, pilot projects, and different approaches, when these activities do not place an undue burden on permit holders
- Engaging stakeholders and external expertise on joint fact-finding and development of regional recommendations and implementation strategies
- Encouragement of watershed management strategies and watershed planning, which by its nature results in different regional approaches
- Flexibility to address different regional characteristics (e.g., geography, hydrology, weather, water imports), site-specific characterization, local issues, rapid assessment programs, regional levels of impact, and adaptive management responses
- Regional discretion on fines (e.g., beyond Mandatory Minimum Penalties (MMPs); related to level of impact) and mitigation strategies

One comment suggested that variation is inappropriate if the proposed regional standard or implementation is more or less stringent than necessary to protect use.

Advice and suggested approaches to improve consistency:

Throughout the different forums, several key approaches for improving consistency were recommended:

- Issues of statewide consistency should be developed collaboratively, with the State Water Board taking the lead and with participation from Regional Water Board staff and stakeholders. Different strategies for addressing statewide consistency were suggested including: roundtables; a Blue Ribbon task force; some mechanism(s) to identify and review inconsistencies (e.g., State Water Board audit of Regional Water Board programs and processes, on-line clearinghouse of Regional Water Board activities); involvement by the Management Coordinating Committee (MCC) and Water Quality Coordinating Committee (WQCC); or perhaps an Office of Statewide Consistency.
- In developing policy, the State Water Board is encouraged to not develop policy through petition. Nor should permits be used to set policy. Policy and regulations should be developed through a science-based and resource-based approach.
- Consistency should be supported by enhanced communication between the Water Boards (between the State and Regional Water Boards and between the Regional Water Boards themselves). Information should be shared regarding what works or doesn't work. The on-line clearinghouse, mentioned in the previous recommendation, could include a single Basin Plan reference document, with documents from all Regional Water Boards. It was recommended that the websites for the different Water Boards share a consistent format or organization.

It was recommended that consistency should be supported by training for staff and Board members on matters such as statewide guidance and permit writing. Staff training and development should be consistent.